S.B.CIVIL TRANSFER PETITION NO.2/2007

Smt. Meetu Singh.
vs.
Sanjay Singh.

DATE OF ORDER ::: 19.4.2007

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Dr.SS Jodha, for the petitioner.
Mr.RK Charan, for the respondent.

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Heard learned counsel for the parties.

The petitioner, wife of the respondent, has filed this petition for transfer of the petition filed under Section 9 of the Hindu Marriage Act by the respondent and which is pending in the Court of Additional District Judge, Deedwana.

The petitioner submitted that her marriage with respondent was performed at Jodhpur and they both lived at Jodhpur and the petitioner is now a mother of girl child who was born on 3.7.2004. Since she has a small baby with her, she cannot attend the Court at Deedwana while travelling from Jodhpur. It is also submitted

that the petitioner has filed a criminal case under Sections 498A, 406, 323 and 420 IPC which is pending at Jodhpur and, therefore, the petitioner has apprehension of her safety.

Learned counsel for the respondent submitted that the respondent wants to keep the petitioner with him and there is no dispute. It is also submitted that the respondent is residing at Ladnu and he has filed the petition in proper court having jurisdiction.

I considered the submissions of learned counsel for the parties.

Since the petitioner is a young lady with a very small baby and nobody to support her and that the marriage was solemnised at Jodhpur and both the petitioner and respondent lived at Jodhpur, therefore, looking to the overall facts of the case, it is a fit case for transferring the petition filed by the respondent.

In view of the above, this transfer petition is allowed, the Case No.18/2006 (Sanjay Singh vs. Smt. Meetu Singh) filed under Section 9 of the Hindu Marriage Act pending in the Court of Additional District Judge, Deedwana is hereby withdrawn and is

transferred to the Family Court, Jodhpur for deciding the same in accordance with law.

Both the parties are directed to appear before the Family Court, Jodhpur on 7.5.2007.

(PRAKASH TATIA), J.

S.Phophaliya